



State Engineer's Office

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RECEIVED

MAR 29 2004

Department of Water Resources
DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

March 24, 2004

Mr. Paul Gilroy
P.O. Box 222
Wilson, WY 83014

Dear Mr. Gilroy:

Thank you for your letter of February 23, 2004 to Sue Lowry of this office. You have suggested that the Roxana Decree could be interpreted to include additional tributaries beyond those specifically identified in the Decree. I must respectfully disagree with this suggestion. The Wyoming State Engineer's Office believes that the Roxana Decree only pertains to Teton Creek and its tributaries that join Teton Creek upstream of the Wyoming-Idaho stateline. This is in part because the Roxana Decree was a settlement between private parties; neither the state of Idaho nor the state of Wyoming was a party to the litigation that resulted in the decree of settlement. As such only the water rights directly involved in that litigation are administered according to the terms of the decree.

The multi-year drought conditions that you and other water users across the West are facing have resulted in unprecedented low streamflows. I certainly sympathize with your situation of finding yourself without stock water or water for other purposes. But, under the authorities of Wyoming state law, Wyoming has no ability to regulate our water users with valid Wyoming Water rights for benefit of your Idaho water rights.

I believe you have been in contact in the past with Jade Henderson, Division IV Superintendent. You raised some additional water right questions in your letter as to the validity of some of the water rights and uses of water in Wyoming. I would invite you to discuss any specific water right concerns you have with Mr. Henderson to clear up any misunderstanding about water exchanges and other Wyoming water rights upstream of your property.

With best regards,

Patrick T. Tyrrell
State Engineer

cc: Jade Henderson, Division IV Superintendent
Erika Olson, Wyoming Attorney General's Office
/ Sue Lowry, Interstate Streams Administrator
✓ Karl Dreher, ID Division of Water Resources
Mike O'Donnell, Chief Deputy Attorney General

Handwritten notes:
VLS
Garry S.
Tina L.
2004 WD 01 File
Sary
JL
CD